

coupling between aligned and spaced apart elements. An "electrically coupled" connection thus requires physical spacing between at least two elements that form the electrical path between the power source and the monitoring package. All of the power connections in the Phelan reference are conventional hard wired connections. There is thus no disclosure, teaching, or suggestion of electrical coupling for the power source in the Phelan reference.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestions or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestions to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. M.P.E.P. § 2142. In support of the obviousness-type rejection, the Examiner contends that:

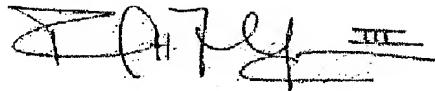
it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide whatever power source available in the market with an electronic monitoring package for the purpose of giving an electrical device means to operate and perform its designed function, since it is clear that the package as taught by Phelan is clearly operating and receiving power from some electrical source (critical and essential means operation) in order to function.

The claimed invention is not, however, concerned with the type of power source as cited in the quoted explanation. Claim 9 recites the type of connection between the power source and the monitoring package. The Applicant contends the Examiner has not explained where Phelan provides the motivation to one of ordinary skill in the art to use the claimed "electrically coupled" connection between the monitoring package and the power source. Second, nothing in Phelan provides an expectation that the claimed coupled connection would succeed. Third, Phelan does not disclose all the limitations of claim 9. The Applicant thus submits a *prima facie* case of obviousness has not been established.

In view of the foregoing, the Applicant respectfully requests reconsideration of

the claims and most earnestly solicits the issuance of a formal Notice of Allowance for the claims.

Please call the undersigned attorney if any issues remain after this amendment.



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I hereby certify that this correspondence (Amendment B in application serial no. 10/055,324 filed 01-22-2002) is being deposited with the United States Postal Service as first class mail (with sufficient postage) in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, OR is being transmitted by facsimile to 703-872-9306 on October 22, 2004.

